

REVIEW

By: Prof. Dr Veselina Kanatova-Buchkova

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On: doctoral thesis for the award of the academic and scientific degree of 'Doctor' in
'Administrative Law and Administrative Procedure' at Plovdiv University 'Paisii Hilendarski',
Plovdiv

Basis for submitting this opinion: participation as a member of the academic jury for the defence
of a doctoral thesis for the award of the academic degree of 'Doctor' in the academic discipline of
'Administrative Law and Administrative Procedure' within research area 3.6 Law at Plovdiv
University 'Paisii Hilendarski', Plovdiv, in accordance with Order No. RD-22-1463/22 July 2026
of the Rector of Paisii Hilendarski University, Plovdiv

Author of the doctoral thesis: Hari Harutyun Hovagimyan

Thesis topic: 'Professional chambers in the Bulgarian healthcare'

Supervisor: Assoc. Prof. Dr Konstantin Pehlivanov

I. Information about the doctoral candidate.

The doctoral candidate was enrolled in the independent study mode of the doctoral program "Administrative Law and Administrative Procedure" in area of higher education 3. Social, Economic and Legal Sciences, professional direction 3.6. Law, in 2025. He completed his law degree at Paisii Hilendarski University of Plovdiv in 2018, having previously obtained a Master's degree in dental medicine. He combines his legal practice with his medical profession. Since

2020, he has been a lecturer in administrative law and health economics at the Centre for Professional Training at the Medical University - Plovdiv.

The PhD candidate has three publications on the subject of his thesis, as follows: 'Interaction between the Bulgarian Dental Chamber and the National Health Information System', 'Protection of personal data when working with the National Health Insurance Fund and the National Health Information System' and 'The Legal Nature of Professional Chambers of Doctors and Dentists: Challenges and Prospects'.

II. General description of the thesis.

The thesis complies with the requirements of Article 27 of the Regulations for the Implementation of the Law on Promotion of Academic Staff in Republic of Bulgaria. It is structured into four chapters, with a total length of 210 pages, including the introduction, table of contents and bibliography. A total of 37 Bulgarian and 7 foreign sources have been used. Chapter Four presents an empirical analysis of the activities of professional chambers in the Bulgarian healthcare sector for the period 26 October 2025 to 4 November 2025, linked to an experimental study of the attitudes of members of professional chambers and an assessment of the performance of their functions in the medical sector.

In administrative and legal theory, there is a lack of comprehensive research on professional chambers, which, despite the emphasis placed on professional chambers in healthcare, underlines the original nature of this thesis. In this regard, the topic is also topical, not so much in view of changes in the regulatory framework, but given the lack of a systematic and comprehensive study of the status, functions and acts of professional chambers from the perspective of administrative law and procedure.

The first chapter provides a historical overview of the emergence of professional unions in the field of medicine and traces the 'regulatory' establishment of the Bulgarian Medical Chamber and the Chamber of Dentists in Bulgaria following the adoption of the Act on Professional Chambers of Doctors and Dentists. It also traces the emergence of the professional chamber of pharmacists in Bulgaria, as well as the associations of healthcare specialists, dental technicians, radiology laboratory technicians, nurses and other non-profit associations that bring together healthcare professionals who do not have the status of professional chambers under public law. It is stated that professional chambers in the healthcare sector are legal entities with public

functions, established by law, which represent the professional community of medical specialists and have powers relating to the registration and supervision of the practice of the profession, the adoption of ethical rules, the protection of their members' interests, participation in health policy, and so on. There is some ambiguity in the text regarding the statement that, first and foremost, consideration is given to professional chambers established by law, namely the Bulgarian Medical Chamber and the Bulgarian Dental Chamber, established under Act on Professional Chambers of Doctors and Dentists (p. 33) and two other chambers which are also professional bodies established by law, namely the professional chamber of master's-qualified pharmacists under the Act on the Professional Chamber of Master's-Qualified Pharmacists and the professional chamber of nurses, midwives and associated healthcare professionals, dental technicians and assistant pharmacists. I recommend clarifying, including justifying, the existence or absence of differences between professional chamber established under a special Act which does not expressly provide for their public-law status (arg. Art. 2(1) of the Act on Professional Chambers of Doctors and Dentists).

The second chapter of the study examines issues relating to the main functions of professional chambers - registration and disciplinary control, the negotiation of healthcare services, the provision of continuing professional development, including integration into electronic systems. Registration functions relate to the maintenance of registers of members of the relevant professional chamber. Entry in the register, which also establishes the membership relationship, is a mandatory condition for practising the profession in the case of doctors, dentists and master's-level pharmacists. It is noted that the same logic applies to healthcare professionals, for whom the practice of their profession is linked to compulsory membership of the Bulgarian Association of Healthcare Professionals. I recommend further developing the conclusion regarding the normative nature of the codes of ethics of professional bodies (p. 48) and, rather, defining them as 'internal normative acts with binding effect'. The normative nature of the code of ethics may stem from the introduction of additional standards governing the practice of the medical profession, the breach of which may result in medical professionals facing not only disciplinary but also civil or criminal liability. In this sense, the rules of the code will also be 'general rules of conduct', as the author points out. It is also unclear whether only the Code of Professional Ethics of the Bulgarian Pharmaceutical Chamber is a regulatory act, or whether the codes of conduct for doctors and dentists also have such a character.

This chapter examines the issues of disciplinary liability of healthcare professionals for

breaches of ethical rules, the types of disciplinary sanctions, and the procedure for imposing them, concluding that professional and disciplinary oversight within the framework of professional self-regulation is an important delegated instrument for both patient safety and the members of the professional chamber itself. With regard to the contractual function of professional chambers, the author shares Prof. Balabanova's view that the National Framework Agreement bears the specific characteristics of an administrative contract, in which public funds take centre stage; these funds are provided by one party - the National Health Insurance Fund (NHIF) - to the other party - the private partner - the relevant healthcare institutions. This conclusion should be substantiated with further arguments, given the view, accepted in both practice and theory, regarding the normative nature of the National Framework Agreement and, in this sense, its status as a source of law. The author clarifies that the Bulgarian Pharmaceutical Union, although a legally recognised professional body, is not a party to the National Framework Agreement in its traditional form, which is concluded between the NHIF and the professional bodies representing doctors and dentists. Pharmacists' participation takes the form of separate contractual arrangements with the NHIF relating to the dispensing of medicinal products, which outlines a specific and distinct model of professional participation in the health insurance system. In this regard, a proposal is made for a legislative amendment to the Health Insurance Act to restore equality between the contracting parties in the National Health Insurance Fund, as well as an amendment to the Act on Professional Chambers of Doctors and Dentists to reduce the minimum number of delegates required to convene a General Assembly of the Bulgarian Medical Chamber and a Congress of the Bulgarian Dental Medics Chamber.

Chapter Three of the thesis examines the issue of the acts of professional chambers in accordance with the classification of their powers as registration powers, rule-making powers, supervisory powers, disciplinary powers and functions relating to participation in the public regulation of the healthcare system. It is pointed out that, in accordance with the legal framework, the professional bodies of doctors and dentists carry out functions of professional self-governance, with their main powers including the maintenance of registers of members, the adoption of rules for good medical and dental practice, and the monitoring of compliance with professional ethics and standards. The main distinction between acts is based on their scope of application - internal and external. The acts of the chairperson and secretary of the professional chambers are identified; these are characterised as strictly bound by their delegated powers and are significant for the implementation and specification of the decisions of the supreme and

governing bodies, which ensure the effective functioning of the chamber. The acts of the chambers` other bodies - the National Supervisory Council, the supervisory committees, and the acts of the ad hoc committees - are examined, and a distinction is drawn from the acts of the regional governing bodies of professional organisations. A significant contribution of this part of the study is the introduction of a new type of act, the so-called ‘hybrid acts’ of professional organisations, which are defined as similar to administrative acts with external effect - subject to judicial appeal under the Administrative Procedure Code. This category also includes disciplinary acts of the bodies of professional chamber which affect the rights and legitimate interests of their addressees and form part of public-law control. A significant contribution is the author’s classification of hybrid acts, based on the nature of the delegated functions, the degree of external effect, the impact on rights and legitimate interests, and the type of professional self-governance exercised. I share the view that the Rules of Good Medical Practice are normative administrative acts adopted by professional bodies and, as such, constitute a source of law. At this point, the discussion should be supplemented by a reference to the nature of codes of ethics as acts of professional chambers, and the author’s view on their normative or non-normative nature in this regard should be stated. In distinguishing between a professional regulatory act and a subordinate regulatory administrative act, a contradiction has arisen regarding oversight, which I recommend be resolved; if it is not a contradiction, it should be explained (p. 107). It is stated that one of the differences between a regulatory act of a professional chamber and a regulatory administrative act is the possibility that the former may be subject to internal review within the chamber, which I find to be inaccurate. There is also a confusion between judicial review of regulatory administrative acts and individual administrative acts, whilst the discussion relates to sub-statutory regulatory administrative acts. With regard to judicial review of acts of professional chambers, it is noted that, despite its admissibility in principle, the hybrid nature of such acts and the lack of explicit legislative provisions regarding their place within the system of administrative law reveal a number of significant problems that hinder the protection of affected individuals.

Chapter Four examines contentious issues relating to e-health, its key elements, the functioning of the National Health Insurance System, and the potential for applying artificial intelligence in professional regulation. The analysis is supplemented by an empirical study which confirms the theoretical conclusions drawn regarding the actual state of professional practice and the manner in which professional chamber carry out their core functions.

In conclusion: This study constitutes a scholarly work which demonstrates the author's ability to analyse in detail the legal institutions forming part of the subject matter, to highlight key points, to identify problems, to make well-founded critical observations, and to draw their own legal conclusions. For this reason, in addition to the aforementioned contributions, the proposals made de lege ferenda also constitute a contribution of the study.

The content of the thesis complies with Article 6(3) of the Law on the Promotion of Academic Staff in the Republic of Bulgaria and Article 27(2) of the Regulations for the Implementation of the Law, and the required number of publications relating to the topic has been submitted.

In view of the above, I strongly recommend that the academic jury award the academic and scientific degree of 'Doctor' in professional direction 3.6 'Law' to Harry Harutyun Hovagimyan, a PhD candidate at the Faculty of Law of Paisii Hilendarski University of Plovdiv.

Prof. Dr Veselina Buchkova

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